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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

DAVID LEE,

Plaintiff(s),

v.

SHAWN PETERSON, et al.,

Defendant(s).

2:12-CV-1456 JCM (VCF)

**ORDER**

Presently before the court is Magistrate Judge Ferenbach's report and recommendation regarding plaintiff's motion/application for leave to proceed in forma pauperis (doc. # 1). (Doc. # 5). No objections to the report and recommendation have been filed.

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a de novo determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1).

Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. *See United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir.2003) (disregarding the standard of review employed by the

1 district court when reviewing a report and recommendation to which no objections were made); *see*  
2 *also Schmidt v. Johnstone*, 263 F.Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit’s  
3 decision in *Reyna–Tapia* as adopting the view that district courts are not required to review “any  
4 issue that is not the subject of an objection.”). Thus, if there is no objection to a magistrate judge’s  
5 recommendation, then this court may accept the recommendation without review. *See e.g.*,  
6 *Johnstone*, 263 F.Supp.2d at 1226 (accepting, without review, a magistrate judge’s recommendation  
7 to which no objection was filed).

8         Nevertheless, this court finds it appropriate to engage in a de novo review to determine  
9 whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation  
10 and the underlying motion and complaint, this court finds good cause to adopt the magistrate’s  
11 findings in full.

12         Accordingly,

13         IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and  
14 recommendation of Magistrate Judge Ferenbach regarding plaintiff’s motion/application for leave  
15 to proceed in forma pauperis (doc. # 5) be, and the same hereby is, ADOPTED in its entirety.

16         IT IS FURTHER ORDERED that plaintiff’s motion/application for leave to proceed in forma  
17 pauperis (doc. # 1) be, and the same hereby is, GRANTED.

18         IT IS FURTHER ORDERED that the clerk of the court file the complaint (#1-1).

19         IT IS FURTHER ORDERED that the complaint (#1-1) be, and the same hereby is,  
20 DISMISSED without prejudice.

21         IT IS FURTHER ORDERED that plaintiff, if he chooses to do so, may file an amended  
22 complaint no later than 30 days from the date he receives this order, or the action will be dismissed  
23 with prejudice. Plaintiff is advised that under Local Rule LR 15-1 any amended complaint filed must  
24 be complete in itself without reference to prior filings. Thus, any allegations, parties, or requests for

25 . . .

26 . . .

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1 relief from prior papers that are not carried forward in the amended complaint will no longer be  
2 before the court.

3 DATED October 18, 2012.

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6 UNITED STATES DISTRICT JUDGE  
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